

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED
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U.S. DISTRICT COURT OF TEXAS
U.S. CLERK'S OFFICE

E I PRODUCTS, INC.,

Plaintiff,

v.

JASCO PRODUCTS COMPANY, LLC

Defendant.

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CIVIL ACTION NO. DEPUTY

A05CA 224 SS

A JURY IS DEMANDED

COMPLAINT

Plaintiff, E I Products, Inc. (E I Products) for its Complaint against Defendant Jasco Products Co., Inc. (Jasco) alleges as follows:

THE PARTIES

1. E I Products is a corporation organized and existing by virtue of the laws of the State of Texas, which maintains an office and principal place of business at 55 22nd Street, Maxwell, Texas 78556.

2. Jasco is a corporation duly organized and existing under the laws of the State of Oklahoma, having an office and place of business at 311 N.W. 122nd Street, Oklahoma City, Oklahoma 73114, and is doing business in the Western District of Texas. Jasco may be served by serving its agent for the service of process, Stephen C. Trice, located at 311 N.W. 122nd, Oklahoma City, Oklahoma 73101.

JURISDICTION

3. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the Patent Laws of the United States, including 35 U.S.C. § 271 *et seq.* The Court has personal jurisdiction over the Defendant because Jasco has committed acts within Texas and this Judicial District giving rise to this action and has established minimum contacts with the forum such that the exercise of jurisdiction over Jasco would not offend traditional notions of fair play and substantial justice.

VENUE

4. Plaintiff, E I Products does business and has an office in Caldwell County Texas in this judicial District. Jasco has committed acts within this judicial District that give rise to this action and does business in this District, including making sales and providing services and support to its customers in this District. Venue is proper in this District pursuant to 78 U.S.C. §§ 1391(b), (c) and 1400 (b).

THE PATENTS AT ISSUE

5. On September 2, 1997, United States Patent No. 5,662,408 was duly and legally issued to Joseph E. Marschen, inventor, and assigned to Austin Innovations, Inc. for "Simple Plug in Night Light Having a Low Profile." A true and correct copy of said Patent No. 5,662,408 is attached hereto and marked "Exhibit A".

6. On July 27, 2004, George Kasee acquired all right, title and interests of Austin Innovations, Inc., including an assignment of said Patent No. 5,662,408. On that same day, George Kasee assigned all rights in U.S. Patent No. 5,662,408 to Plaintiff, E I Products, Inc. Both assignments have been properly recorded at the United States Patent and Trademark Office.

7. Plaintiff, E I Products, is the sole and exclusive owner of all right, title and interest in and to United States Patent No. 5,662,408 (subject only to licenses granted thereunder).

8. Since at least as early as 1997, E I Products and/or its predecessors in interest, Austin Innovations, Inc., has made, used and sold nightlights incorporating the inventions set forth in Patent No. 5,662,408. At all such times, substantially all such products have been marked with the designations "U.S. PATENT NO. 5,662,408."

PATENT INFRINGEMENT

9. Since the issuance of United States Patent No. 5,662,408 and within the six (6) years last past, Defendant, without the consent of Plaintiff and with full knowledge of said Patent No. 5,662,408 and of Plaintiff's rights thereunder, has and still is willfully, wantonly and deliberately infringing said United States Patent No. 5,662,408 by making and selling night lights that embody and employ the inventions defined by the claims in the said United States Patent No. 5,662,408 and will continue to do so unless enjoined by this Court.

10. Prior to filing this Complaint, Defendants were given notice of their acts of infringement but, notwithstanding such notice, Defendants have nevertheless infringed, are continuing to infringe and threaten to continue infringing said United States Patent No. 5,662,408.

11. Plaintiff has been damaged by Defendants' willful infringement of said United States Patent No. 5,662,408 but is unable to state at this time the amount of damages sustained; and Plaintiff will be further irreparably damaged by Defendant's infringement unless such infringement is enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays:

- (a) That an injunction be entered by this Court enjoining Defendant, its officers, agents, servants, employees and attorneys, and those in active concert, participation or privity with Defendant, from directly or indirectly making or causing to be made and selling or causing to be sold any apparatus, device or article which embodies and/or employs the inventions defined by the claims in United States Patent No. 5,662,408;
- (b) That Plaintiff be awarded judgment against Defendant for damages together with prejudgment interest for said infringement and, because of the willful, wanton and deliberate nature of said infringement, that the damages be compounded up to three times the amount found;
- (c) That Defendant be ordered to pay the costs of this action and Plaintiff's attorney fees; and
- (d) That Plaintiff be granted such other and further relief as the circumstances of the case may require and to this Court seem proper and just.

JURY DEMAND

Plaintiff hereby demands trial by jury of all issues so triable.

Respectfully submitted,

Dated: _____

March 28, 2005

By: _____

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**ATTORNEYS FOR PLAINTIFF,
E I PRODUCTS, INC.**

United States Patent [19]
Marischen

[11] **Patent Number:** **5,662,408**
 [45] **Date of Patent:** **Sep. 2, 1997**

[54] **SIMPLE PLUG IN NIGHT LIGHT HAVING A LOW PROFILE**

[75] **Inventor:** Joseph E. Marischen, Austin, Tex.

[73] **Assignee:** Austin Innovations, Inc., Austin, Tex.

[21] **Appl. No.:** 641,833

[22] **Filed:** May 2, 1996

Related U.S. Application Data

[63] Continuation of Ser. No. 270,238, Jul. 1, 1994.

[51] **Int. Cl.⁶** **F21V 9/00**

[52] **U.S. Cl.** **362/226; 362/84; 362/253**

[58] **Field of Search** **362/84, 95, 226, 362/253, 367; 439/490, 656, 694, 695; 313/318.01, 318.05, 318.12**

[56] References Cited

U.S. PATENT DOCUMENTS

2,809,316	10/1957	Jeges	362/84
3,056,897	10/1962	Knochel et al.	362/367
3,061,716	10/1962	Benander	
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3,307,030	2/1967	DeFrancisco
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OTHER PUBLICATIONS

Dynamic Brilliance Corp. Night Light (2 photos).
 Circuitech, Inc. (O.F.N.A.) Night Light (2 photos).
 Six Photographs of Sylvania Panclescent Nite-Lite.

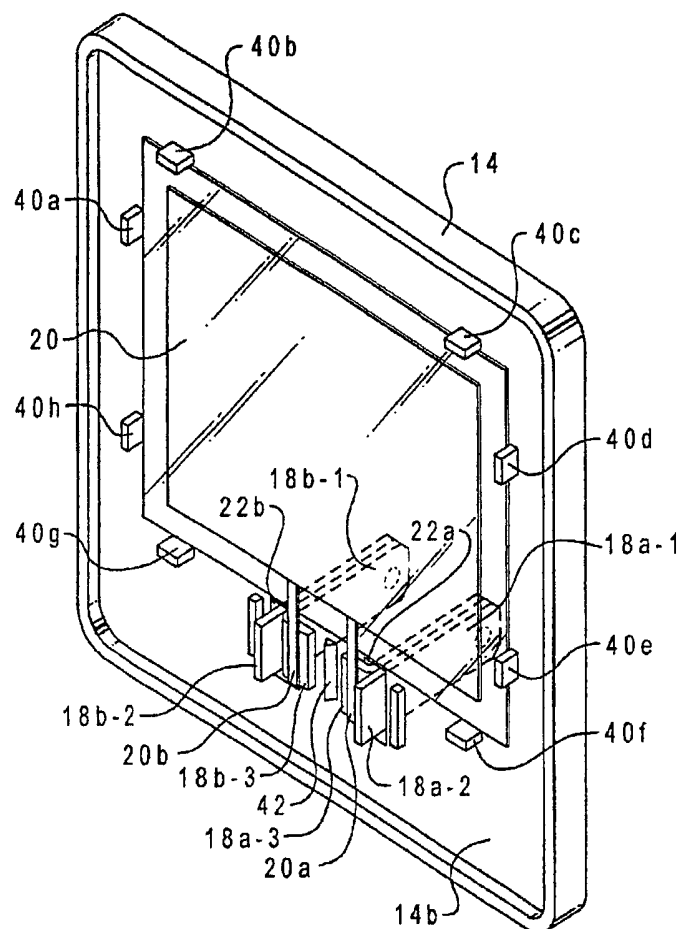
Primary Examiner—Y My Quach

Attorney, Agent, or Firm—Clark, Thomas & Winters, a P.C.

[57] ABSTRACT

The night light has a case with a front side and a rear side. The front side of the case has a portion defining a window. The lamp is secured between the sides and covering the window. The lamp has conductors for connecting to an electrical supply which are in electrical contact with a first and second blade, the blades extending from the rear exterior face of the case for engaging an electrical outlet. The blades are held in a slot through the rear side of the case and by a portion of the blades which engages the interior face of the front side of the case.

11 Claims, 3 Drawing Sheets

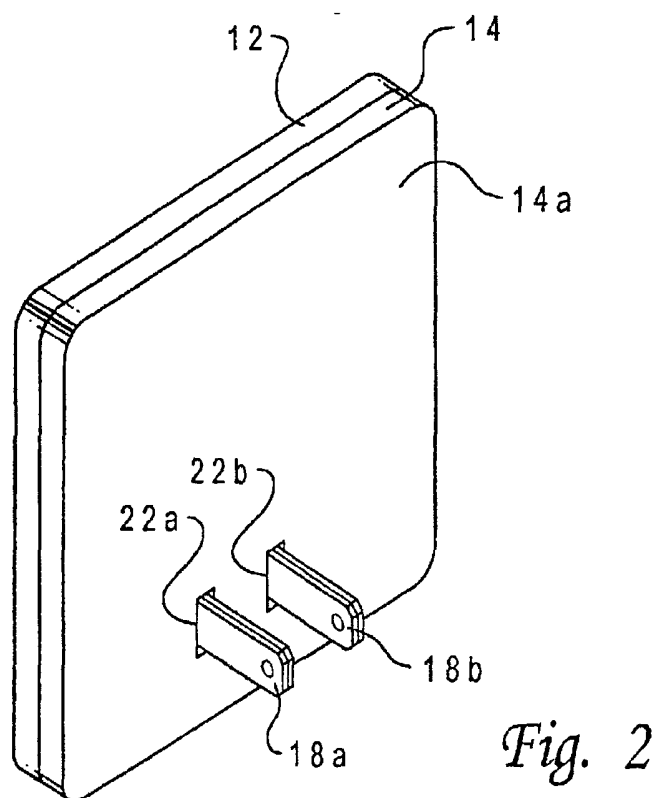
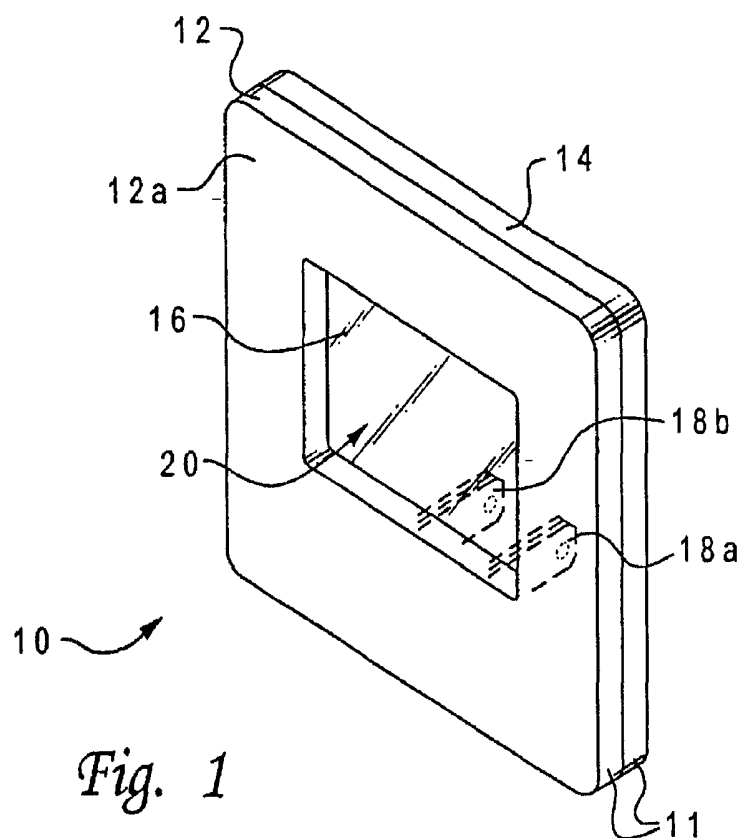


U.S. Patent

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SIMPLE PLUG IN NIGHT LIGHT HAVING A LOW PROFILE

This application is a Continuation of application Ser. No. 08/270,238, filed Jul. 1, 1994.

FIELD OF THE INVENTION

This invention relates generally to decorative lights, and more particularly to plug-in decorative lights.

BACKGROUND OF THE INVENTION

It is known to use low-wattage electric lamps and electroluminescent electrodes to provide night lights. For example, U.S. Pat. No. 3,061,716 to Benander describes a plug-in night light which uses an electroluminescent cell as a light source and which serves as an electrical outlet. Also, U.S. Pat. No. 3,307,030 to De Francisco describes an electroluminescent device in the form of an electrical cover plate for installation on an electric outlet wall socket. Also, U.K. Patent Application GB2128313A to Dell, et al., describes a night light with a lamp housing containing low-wattage electric lamps having a frame into which decorative panels can be removably inserted. Since these devices generally use small incandescent lamps or flat electroluminescent panels, they generally have a low profile; however, the required manufacturing techniques may be expensive, such as where an electroluminescent panel is rigidly attached to blades for engaging an electrical outlet, or where an electroluminescent material on a rigid metal substrate is connected to the electrical blades. Other connections may be somewhat simpler, but may limit the ability to achieve a low profile device. Moreover, small incandescent lamps are inherently hot, and therefore require a case that is large or well-ventilated, or require connections and materials which will withstand heat. Thus, there exists a need for a simply constructed, low-profile night light.

SUMMARY OF THE INVENTION

An objective of the invention is to provide an inexpensive night light which is simple to manufacture and has a low profile.

According to the present invention, the foregoing and other objects are attained by providing a night light having a case with a front side and a rear side. The front side of the case has a portion defining a window. A lamp is secured between the faces and covering the window. The lamp has a first and second conductor for connection to an electrical supply. There is a first and second blade in electrical contact with the lamp conductors. A blade has a first portion that extends from the rear side of the case for engaging an electrical outlet. Low profile connections secure the blades in reliable electrical contact with the lamp conductors.

In accordance with another aspect of the invention, the lamp provides enough illumination to allow a person to see obstacles in an otherwise dark room and yet consumes very little power, so that the electrical contact between a lamp conductor and a blade may have a relatively high resistance without overheating.

In accordance with another aspect of the invention, the surface area of the contact between the lamp conductor and the blade is small, and the conductor is mechanically held against a blade portion. A blade is secured to the case first by the first blade portion being held in a slot through the rear side of the case, and second by a second blade portion extending axially from the first blade portion and engaging

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the interior face of the front side of the case. A third blade portion essentially perpendicular to the first and second blade portions engages the interior face of the rear side of the case. A lamp conductor is held against any portion of a blade within the case. In one embodiment, the conductor is held against the third blade portion by compression between the front and rear sides of the case. A compressible shim may be used to overlay the lamp conductor and third blade portion so that the shim engages the interior face of the front side. Thus, when the front and rear side of the case are secured together, the case compresses the shim against the lamp conductor and blade. Of course, the lamp conductor may be connected to the blade by soldering, cementing or other means.

The invention is thus advantageous in that the electrical connection between a lamp conductor and a blade may have a relatively high electrical resistance without causing the temperature of the connection to rise above ambient temperature. This tolerance for relatively high resistance allows the use of relatively small forces to hold the lamp conductors against the blades, which in turn allows a low profile case having thin sides.

The invention is intended to be limited only as defined in the claims. Additional objects, advantages and novel features are set forth in the following description, or will be apparent to those skilled in the art or those practicing the invention. Other embodiments are within the scope and spirit of the invention, and its details are capable of modifications in various obvious respects, all without departing from the invention. Accordingly, the drawings and description are to be regarded as illustrative in nature, and not as restrictive.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a perspective of the night light from a viewpoint in front of and to the side of the device.

FIG. 2 is a perspective of the night light from a viewpoint behind and to the side of the device.

FIG. 3 is a perspective view of the interior face of the front side of the night light.

FIG. 4 is a perspective view of the interior face of the rear side of the night light.

FIG. 5 is a perspective view of a blade.

FIG. 6 is a perspective view of an electroluminescent lamp used in the night light.

FIG. 7 is a detailed view of an electrical connector between the lamp and the blades for engaging an electrical outlet.

DETAILED DESCRIPTION

FIG. 1 shows night light 10 having a case 11 with a front side 12 and a rear side 14. Front side 12 has a window 16 through which can be seen a lamp 20 covering the window. The exterior face 12a of front side 12 is visible in FIG. 1. In the preferred embodiment the sides 12 and 14 have a thickness of only $\frac{1}{8}$ inch.

In FIG. 2 the exterior face 14a of the rear side 14 may be seen. Extending from the rear exterior face 14a of the case 11 is a first blade 18a and a second blade 18b for engaging an electrical outlet. The blades 18a and 18b extend through slots 22a and 22b in the rear side 14.

In FIG. 3 the interior face 12b of the front side 12 is seen with protrusions 24, 26, and 28. Protrusions 26 and 28 form a slot 30 therebetween. Likewise, protrusions 24 and 28 form a slot 32. Protrusion 28 has faces 34, 36, and 38.

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In FIG. 4 the interior face 14b of rear side 14 is shown with protrusions 40a, 40b, 40c, etc. surrounding lamp 20. From this view it may be seen that blade 18a has a first portion 18a-1 extending from the rear exterior face 14a (not shown), and a second portion 18a-2 extending axially from the first blade portion 18a-1, and away from the interior face 14b of the rear side. Also visible is a third portion 18a-3 of the blade 18a. The third portion 18a-3 engages the interior face 14b of the rear side 14 and extends essentially perpendicular to the first portion 18a-1 and the second portion 18a-2.

A complete blade is shown in FIG. 5 removed from the case 11, wherein the three blade portions 18a-1, 18a-2, and 18a-3 may be more clearly seen.

Also, the second blade 18b has portions 18b-2 and 18b-3 which are visible in FIG. 4. A protrusion 42 extending from the interior face 14b separates blade portions 18a-3 and 18b-3. Lamp 20 has conductors 20a and 20b positioned against blade portions 18a-3 and 18b-3 respectively. The blades 18a and 18b are positioned through slots 22a and 22b in the rear side 14. Slots 22a and 22b are located such that when the front side 12 (FIG. 3) and the back side 14 are placed together, the blade portions 18a-3 and 18b-3 are opposite faces 34 and 36 (FIG. 3) of protrusion 28 (FIG. 3). Also, blade portions 18a-2 and 18b-2 are positioned opposite slots 30 and 32 (FIG. 3). Thus, when the front side 12 and rear side 14 are joined, blade portions 18a-3 and 18b-3 engage the interior faces 12b of the front side 12 against faces 34 and 36, and blade portions 18a-2 and 18b-2 engage the interior face 12b within slots 30 and 32 so that the blades are held securely in place and the lamp conductors 20a and 20b are pressed securely against blade portions 18a-3 and 18b-3 thereby establishing an electrical connection between the lamp and the blades.

Turning to FIG. 6, the lamp 20 is shown. In the preferred embodiment the lamp has an electroluminescent panel 20d which provides the source of illumination. The panel 20d is covered by a thin, transparent protective material 20e. Since the lamp conductors 20a and 20b extend away from the electroluminescent panel 20d the electrical connection to the blades is not on the panel itself. Thus the electroluminescent panel 20d is not part of the mechanical structure for securing the electrical connection to the blades for engaging the electrical outlet and a thin, flexible, lightweight substrate may be used for the panel 20d. For example, the lamp may have an overall thickness (including the substrate, electroluminescent material, and cover) of only 0.04 inch. In the preferred embodiment, the lamp provides initial illumination of at least 4 lumens but is rated at only 0.03 watts at 115 VAC. Of course the thickness of the lamp, amount of illumination and power consumption may be modified to achieve other obvious combinations within the described objectives and advantages of the present invention.

FIG. 7 shows details of the electrical connection between the lamp conductors and the blades for engaging an electrical outlet. In the preferred embodiment of the present invention, a compressible shim 44a overlays lamp conductor 20a and blade portion 18a-3, and another compressible shim 44b overlays lamp conductor 20b and blade portion 18b-3. The shims 44a and 44b thus engage the interior face 12b and, when the front side 12 (FIG. 3) and rear side 14 (FIG. 4) of the case are joined, the case compresses the shims 44a and 44b against the blade portions 18a-3 and 18b-3 and conductors 20a and 20b to securely hold the conductors 20a and 20b against the blades 18a and 18b. In the preferred embodiment the surface area of the contact between a lamp conductor and a blade is only 0.02 square inch or less,

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however this area may be varied as required within the context of the invention.

What is claimed is:

1. A night light, comprising:

a case having a front side and a rear side, the front and rear sides each having an interior and exterior face, and the front side of the case having a portion defining a window;

a lamp covering the window and secured between the interior faces of the front and rear sides of the case, the lamp having a first and second conductor for connection to an electrical supply;

a first and second blade in electrical contact with the lamp conductors, at least one of the first and second blades having a first portion that extends from the rear exterior face of the case for engaging an electrical outlet; and wherein said at least one of the first and second blades is secured to the case first by the first blade portion being held in a slot through the rear side of the case, and second by a second blade portion extending from the first blade portion and engaging the interior face of the front side of the case, and third by a third blade portion essentially perpendicular to the first and second blade portions, the third blade portion engaging the interior face of the rear side of the case and being compressed between the front and rear sides of the case.

2. The night light of claim 1, wherein at least one of the first and second conductors is held in electrical contact with said third blade portion by compression between said third blade portion and the case.

3. The night light of claim 2, wherein the lamp is an electroluminescent panel.

4. The night light of claim 3, wherein the second blade is configured and shaped identically and positioned symmetrically to the first blade.

5. A night light, comprising:

a case having a front side and a rear side, the front and rear sides each having an interior and exterior face, and the front side of the case having a portion defining a window;

a lamp covering the window and secured between the interior faces of the front and rear sides of the case, the lamp having an electroluminescent panel and a first and second conductor which extend away from the panel for connection to an electrical supply;

a first and second blade for engaging an electrical outlet, the first blade and the first conductor being in contact remote from the electroluminescent panel, and the first blade having a first blade portion that extends from the rear exterior face of the case for engaging to the electrical outlet; and

wherein the first blade further comprises a second blade portion, and the first blade is secured to the case by the first blade portion being held in a slot through the rear side of the case, and by the second blade portion being clamped by the front and rear sides of the case.

6. The night light of claim 5, wherein the first blade further comprises a third blade portion, the third blade portion also being clamped by the front and rear sides of the case.

7. The night light of claim 5, wherein the contact between the first conductor and the first blade is secured at least in part by the second blade portion being clamped against the first conductor by the front and rear sides of the case.

8. The night light of claim 7, wherein the contact between the first conductor and the first blade is further secured by the second blade portion being attached to the first conductor.

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9. The night light of claim 5 further comprising a shim between one of the sides and the second blade portion, the shim also being clamped by the front and rear sides of the case.

10. A method of making a night light, comprising the steps 5 of:

providing a case having a front side and a rear side, the front and rear sides each having an interior and exterior face, the front side having a portion defining a window, and the rear side having at least one slot;

providing a lamp having a luminescent panel and a first and second conductor extending away from the panel for connection to an electrical supply;

providing a first and second blade for engaging an electrical outlet;

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securing the lamp between the interior faces of the case and exposing it through the window;

securing the first blade by the steps of:

inserting the first blade through the slot in the rear side of the case; and clamping the first blade by the front and rear sides of the case; and

securing the first conductor and the first blade in electrical contact remote from the luminescent panel.

10 11. The method of claim 10, wherein the step of clamping the blade by the front and rear sides of the case further comprises the step of engaging the blade with the interior faces of the sides of the case.

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